United Nations A/INF/58/10

General Assembly

Distr.: General
3 August 2004

Original: English

Fifty-eighth session

Letter dated 3 August 2004 from the Secretary-General addressed to the President of the General Assembly

I have the honour to refer to your letter of 2 August 2004 concurring with my proposal to appoint Judge J. Asoka de Silva as a permanent judge of the International Criminal Tribunal for Rwanda (annex). I have received a corresponding letter from the President of the Security Council. Accordingly, I have appointed Judge de Silva as a permanent judge of the International Criminal Tribunal for Rwanda, effective today, for the remainder of the term of office of Judge Asoka de Zoysa Gunawardana, which will expire on 24 May 2007.

(*Signed*) Kofi A. **Annan**

04-45321 (E) 110804

Annex

Letter dated 2 August 2004 from the President of the General Assembly addressed to the Secretary-General

I have the honour to refer to your letter of 23 July 2004 concerning the candidature of Joseph Asoka de Silva to replace Judge Asoka Gunawardana, who resigned as a judge of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, effective 30 June 2004 (see enclosure).

In accordance with article 12 bis, paragraph 2, of the statute of the International Criminal Tribunal, I have reviewed the qualifications of Mr. de Silva and am pleased to inform you that I concur with the proposed appointment.

(*Signed*) Julian R. **Hunte**

Enclosure

Letter dated 23 July 2004 from the Secretary-General addressed to the President of the General Assembly

I have the honour to refer to article 12 bis, paragraph 2, of the statute of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, which reads:

> "In the event of a vacancy in the Chambers amongst the permanent judges elected or appointed in accordance with this article, after consultation with the Presidents of the Security Council and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of article 12 above, for the remainder of the term of office concerned."

In this connection, I should like to inform you that Judge Asoka Gunawardana, a national of Sri Lanka, resigned as a permanent judge of the International Criminal Tribunal for Rwanda, effective 30 June 2004.

The Government of Sri Lanka has presented the candidacy of the Honourable Judge J. Asoka de Silva, a national of Sri Lanka, to replace Judge Gunawardana. Please find attached his curriculum vitae.[a]

It is my view that Judge de Silva meets the qualifications prescribed in article 12 of the statute of the International Criminal Tribunal for Rwanda. I also consider that the appointment of Judge de Silva would be well calculated to ensure adequate representation on the Tribunal of the principal legal systems of the world, as contemplated in paragraph 1 (c) of article 12 bis of the Tribunal's statute.

I should therefore like to proceed to consult with you on the appointment of Judge de Silva, in accordance with article 12 bis, paragraph 2, of the statute of the International Criminal Tribunal for Rwanda. I look forward to receiving your views on the matter.

(*Signed*) Kofi A. **Annan**

[a] See S/2004/619.